

House Engrossed

**FILED**

**JANICE K. BREWER  
SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Forty-seventh Legislature  
Second Regular Session  
2006

CH 62

# **HOUSE BILL 2107**

AN ACT

AMENDING SECTIONS 36-402 AND 41-921, ARIZONA REVISED STATUTES; RELATING TO  
HEALTH CARE INSTITUTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 36-402, Arizona Revised Statutes, is amended to  
3 read:

4 36-402. Exemptions

5 A. This chapter and the rules adopted by the director pursuant to this  
6 chapter do not authorize the licensure, supervision, regulation or control  
7 of:

8 1. The remedial care or treatment of residents or patients in any home  
9 or institution conducted only for those who rely solely on treatment by  
10 prayer or spiritual means in accordance with the creed or tenets of any well  
11 recognized church or religious denomination.

12 2. Establishments, such as motels, hotels and boarding houses, that  
13 provide domiciliary and ancillary commercial services, but do not provide  
14 adaptive, medical, hospital, nursing, ~~health-related~~ HEALTH RELATED or  
15 supervisory care services.

16 3. Private offices and clinics of health care providers licensed under  
17 title 32 that are not freestanding urgent care centers, unless:

18 (a) Patients are kept overnight as bed patients or treated otherwise  
19 under general anesthesia except when treatment by general anesthesia is  
20 regulated by title 32, chapter 11.

21 (b) The office or clinic is an abortion clinic. For the purposes of  
22 this subdivision, "abortion clinic" has the same meaning prescribed in  
23 section 36-449.01.

24 4. Dispensaries and first aid stations located within business or  
25 industrial establishments maintained solely for the use of employees if the  
26 facility does not contain inpatient beds and is under the supervision of a  
27 physician.

28 5. The collection, processing or distribution of whole human blood,  
29 blood components, plasma, blood fractions or derivatives procured, processed  
30 or distributed by federally licensed and regulated blood banks.

31 ~~6. Adult foster care homes certified by the county or the department~~  
32 ~~pursuant to section 11-293.01 or 36-410.~~

33 ~~7.~~ 6. Places where four or fewer adults not related to the  
34 administrator or owner receive adult day health services for compensation on  
35 a regular basis.

36 ~~8.~~ 7. Places at which persons receive health related services only  
37 from relatives or from legal guardians or places that do not purport to be  
38 establishments that regularly provide health related services and at which  
39 one or two persons receive health related services on a twenty-four hour  
40 basis.

41 ~~9.~~ 8. The Arizona pioneers' home. However, the department of health  
42 services shall evaluate the health and sanitation conditions at the Arizona  
43 pioneers' home annually using the standards applicable to licensed nursing  
44 care institutions.

1       ~~10-~~ 9. The personal residence of a terminally ill person, or the  
2 personal residence of that person's relative or guardian, where that person  
3 receives hospice services from a hospice service agency.

4       ~~11-~~ 10. All medical and health related facilities and services that  
5 are provided to inmates who are confined in a state prison. The state  
6 department of corrections shall annually evaluate the medical and health  
7 related facilities and services that are provided to inmates to determine  
8 that the facilities and services meet the applicable standards that are  
9 adopted by the director of the department of health services. The state  
10 department of corrections shall report the results of its annual evaluation  
11 and the actual findings, including a plan of correction for any deficiencies,  
12 to the director of the department of health services. The department of  
13 health services shall conduct validation surveys on a percentage of the  
14 medical and health related facilities, the number of which shall be  
15 determined by the state department of corrections and the department of  
16 health services. The director of the state department of corrections shall  
17 maintain the annual evaluation reports. This paragraph does not apply to  
18 licensed behavioral or mental health inpatient treatment facilities that the  
19 state department of corrections operates.

20       ~~12-~~ 11. A facility that provides medical and health services to  
21 inmates who are confined in a county jail. The sheriff shall annually  
22 evaluate the facility to determine if it meets the applicable standards that  
23 are adopted by either a national corrections commission on health care or an  
24 American correctional association or the sheriff shall annually submit the  
25 facility to a similar separate inspection by an outside agency with medical  
26 standards. The sheriff must submit the certificate of accreditation or proof  
27 of successful inspection to the department annually and keep a copy of the  
28 certificate or proof of inspection.

29       B. A medical and health related facility that provides medical and  
30 health services exclusively to persons who are incarcerated, detained or  
31 confined under court order or court jurisdiction is exempt from the  
32 patient-per-room capacity requirements provided in rule if the facility:

33       1. Does not exceed its intended medical and custodial purposes.

34       2. Adopts policies and procedures to comply with the national  
35 commission on correctional health care standards, or equivalent STANDARDS.

36       3. As soon as practicable, becomes accredited by the national  
37 commission on correctional health care, or BY AN equivalent ORGANIZATION.

38       4. Once accreditation is obtained, submits a certificate of  
39 accreditation to the department of health services annually.

40       5. Maintains a copy of the certificate of accreditation.

41       6. Maintains patient and custodial records, including on-site current  
42 photographs and fingerprints, if permitted by applicable law.

43       7. Makes patient lists with inmate identifiers available to the STATE  
44 department of corrections on reasonable request.

1           8. Provides timely notice of any major incident involving public  
2 safety to the appropriate law enforcement agency and ~~allow~~ ALLOWS that agency  
3 access to the facility for the purposes of law enforcement and investigation.

4           C. ~~The provisions of~~ Subsection B of this section ~~do~~ DOES not apply to  
5 health care institutions that exclusively provide behavioral health services.

6           Sec. 2. Section 41-921, Arizona Revised Statutes, is amended to read:  
7 41-921. Establishing home; location

8           A home for aged and infirm Arizona pioneers is established and shall be  
9 known as the "Arizona pioneers' home". For purposes prescribed in section 25  
10 of the enabling act, the pioneers' home shall be designated as the hospital  
11 for disabled miners and shall have the same exemption provided to the  
12 pioneers' home pursuant to section 36-402, ~~paragraph 9~~. The home shall be  
13 maintained at or near Prescott, Arizona.

APPROVED BY THE GOVERNOR APRIL 10, 2006.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 10, 2006.